

ray, whether *in erse* or hereafter to be born, with power to the trustee, with the consent and approbation of Mrs. Murray and her said husband, to sell out and reinvest the proceeds upon the same trusts. Now, the limitation over in this deed, after the death of Mrs. Murray is not to her children *generally*, and their descendants, but to her children *by her then husband*, Richard C. Murray, whilst under the will of her father, the remainder, after the determination of her life interest, is, to her children *generally* and their descendants, whether begotten by her then, or any future husband. Again, in the deed, power is given to the trustee, with the consent of Mrs. Murray and her husband, to sell out and reinvest, but no such power is given by the will, and the deed and the will appoint different persons trustees.

The proposition and prayer of this bill, is, that the stocks held under the will, shall be sold out, and the proceeds applied in disincumbering and improving, by putting up new buildings on the lot of ground held under the deed, and that this lot of ground shall be conveyed by Mr. Scott, the trustee, under the deed, upon the trusts mentioned in the will. But the trusts of the will differ from the trusts of the deed, in, that in the latter, the parties entitled in remainder are the children of Mrs. Murray by a particular husband, whilst under the will, the remainder is limited over to her children *generally* and their descendants. The court, therefore, is asked to change the character of the trust by permitting property held for a special set of children, to be settled for their use, to be sure in part, but also, for the use of others, who have no title to participate in it. This, without remarking upon the other differences in the will and deed, appears to me, an insuperable objection to the relief prayed by this bill, which must be dismissed, but it will be without costs.

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T. P. SCOTT for Complainants.

GRAFTON L. DULANEY for Defendants.